

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

WILLIAM J. WHITSITT,

No. 2:22-cv-02114-DAD-KJN (PC)

Plaintiff,

v.

TIM SPENCER, et al.

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
ACTION DUE TO PLAINTIFF'S FAILURE
TO PROSECUTE

Defendants.

(Doc. No. 9)

Plaintiff William Whitsitt is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action brought pursuant to 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On May 19, 2023, the assigned magistrate judge issued findings and recommendations recommending that this action be dismissed, without prejudice, due to plaintiff's failure to prosecute this action. (Doc. No. 9.) In particular, on March 29, 2023, the court screened plaintiff's complaint, determined that plaintiff had failed to state a cognizable claim for relief, and granted plaintiff leave to file an amended complaint. (Doc. No. 8 at 5.) To date, plaintiff has not filed an amended complaint or otherwise communicated with the court. Accordingly, the pending findings and recommendations were served on plaintiff and contained notice that any objections thereto were to be filed within fourteen (14) days after service. (Doc. No. 9 at 1.) To date, no

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1 objections to the findings and recommendations have been filed, and the time in which to do so
2 has now passed.

3 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a
4 *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the
5 findings and recommendations are supported by the record and by proper analysis.

6 Accordingly:

7 1. The findings and recommendations issued on May 19, 2023 (Doc. No. 9) are
8 adopted in full;

9 2. This action is dismissed, without prejudice, due to plaintiff's failure to prosecute
10 this action; and

11 3. The Clerk of the Court is directed to close this case.

12 IT IS SO ORDERED.

13 Dated: July 7, 2023


14 UNITED STATES DISTRICT JUDGE

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